

STATE OF NEVADA

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee: Newmont Mining Corporation
Lone Tree Complex
P.O. Box 388
Valmy, NV 89438

Permit Number: NEV0087031 – Post-Closure Monitoring

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit is a **Zero Discharge Permit** and authorizes the Permittee to close the **Trinity Silver Mine**, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is not authorized to process ore at the mine site.

This facility is located on the northwest flank of the Trinity Range in Pershing County, Township 29 North, Range 30 East, Section 9, approximately 16 air miles north north-west of Lovelock.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the Final Closure Report dated May 24, 2004 and subsequently approved June 8, 2004 is accurate and that the facility was closed as specified in the Final Closure Report. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of September 25, 2004, and shall remain in effect until September 25, 2009, unless modified, suspended, or revoked.

Signed this day of September 2004.

David Gaskin, P.E.
Bureau Chief
Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:

1. Close the facility in accordance with those design plans;
2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
3. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

1. Within 30 days from the effective date of the permit, submit site-specific sampling protocols.
2. Should piezometer measurements demonstrate an increasing trend of solution volumes impounding within the E Basin over time, the Permittee may be required to investigate alternative methods of solution removal.

C. The fluid management system covered by this permit consists of the following process components:

1. Lined heap leach pad and corresponding leak detection system;
2. Solution collection pipe and lined solution collection ditch;
3. The converted pregnant pond (evaporation basin) and corresponding leak detection system;
4. Transfer pipes, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
1. Evaporation Basin Inlet	Flowrate (GPM) and Profile I ⁽¹⁾	Quarterly
2. Evaporation Basin Piezometer	Depth of Water (feet) from piezometer bottom	Quarterly
3. Evaporation Basin Leak Detection System	Purge and Report Total Volume. If greater than 1 liter, Profile II ⁽²⁾	Quarterly
4. Evaporation Basin	Photograph of surface vegetation	Quarterly

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
5. Leach Pad Leak Detection System	Purge and Report Total Volume. If greater than 1 liter, Profile II ⁽²⁾	Quarterly
6. Waste rock dump and Pit	Visual inspection for stability, safety, access and ponded water. ⁽³⁾ Field pH, specific conductance, photos and Profile I ⁽¹⁾ if ponded water present	Quarterly

The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

(1) Profile I:

Alkalinity (as CaCO ₃)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	WAD Cyanide*
Beryllium	Iron	Potassium	Zinc

*Not required for Waste rock dump and Pit sample(s)

(2) Profile II includes Profile I ⁽¹⁾ plus the following:

Aluminum	Cadmium	Silver
Antimony	Chromium	Thallium
Beryllium	Mercury	

(3) Monitoring of the pit will consist of designating pit surfaces as dry, damp or wet (visible flow or ponding). If a ground water source, or large amount of meteoric solution is present, collect a representative sample and analyze for

Profile I constituents. A field pH and specific conductance (SC), together with a photo of the ponded area shall also be taken. The pit will also be evaluated for stability, safety and access restrictions. Any discharge emanating from the waste dump shall be sampled and analyzed for Profile I and flow rates determined as necessary.

E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.

F. All sampling and analytical accuracy shall be in accordance with Part II.E.

G. Permit Limitations

1. Failure to meet a Schedule of Compliance date.
2. No ponding of fluids on the waste rock dump(s) and in the pit.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall be visually monitored for erosion following all significant storm events. A written record and photos of any negative impacts shall be made available upon request.

I. The Permittee shall inspect all control devices, systems and facilities quarterly. Drainage and containment systems shall also be inspected during, when possible, and after significant storm events. These inspections are performed to detect evidence of:

1. Deterioration, malfunction, or improper operation of control systems;
2. Sudden changes in the level of the contents of any monitoring device;
3. The presence of liquids in leak detection systems; and
4. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.

J. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.

II. General Facility Conditions and Limitations

A. General Requirements

1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor

strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.

2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements

1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from the leak detection sumps or piezometers identified in Part I.D, reported on NDEP Form 0590 or equivalent;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D reported on NDEP Form 0090/0190 (as appropriate) or equivalent;
 - c. Water levels for site monitoring wells identified in Part I.D; and
 - d. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.
2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Summarized results from Part II.B.1 (a – d);
 - b. An updated version of the facility monitoring and sampling procedures and protocols;
 - c. An updated evaluation of the effectiveness of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - d. Graphs of alkalinity, chloride, pH, sulfate, total dissolved solids (TDS), nitrate ($\text{NO}_3 + \text{NO}_2$ as nitrogen), WAD cyanide, antimony, arsenic, cadmium, copper, manganese, mercury and zinc concentration (as applicable), versus time for all fluid sampling points. These graphs shall

display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.

3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.
 - a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
 - b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
 - c. A release of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
 - d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. Name and quantity of materials released; if process solution is released, report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;

- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. The estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
- i. A description of the release or discharge and its cause;
 - ii. The periods of the release or discharge (including exact dates and times);
 - iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - vi. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
- i. Determine the effect and extent of each release or discharge;
 - ii. Minimize any adverse impact to the waters of the State arising from each release or discharge;
 - iii. Minimize the effect of each release or discharge upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each release or discharge.

C. Administrative Requirements

1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
4. The Permittee shall maintain a copy of, and all modifications to, the current permit at a local office or nearest company-operated minesite at all times.
5. The Permittee is required to retain during post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and

maintenance records. This period of retention must be extended during the course of any unresolved litigation.

7. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
8. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
2. Have access to and copy any record that must be kept per the conditions of this permit;
3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
3. Samples must be taken, preserved, and labeled according to Division approved methods.

4. Standard environmental monitoring chain of custody procedures must be followed.
5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents.

F. Permit Modification Requirements

1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Karl W. McCrea

Date: September 8, 2004

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